



Property rights, women's empowerment, and intersectionality in Nepal

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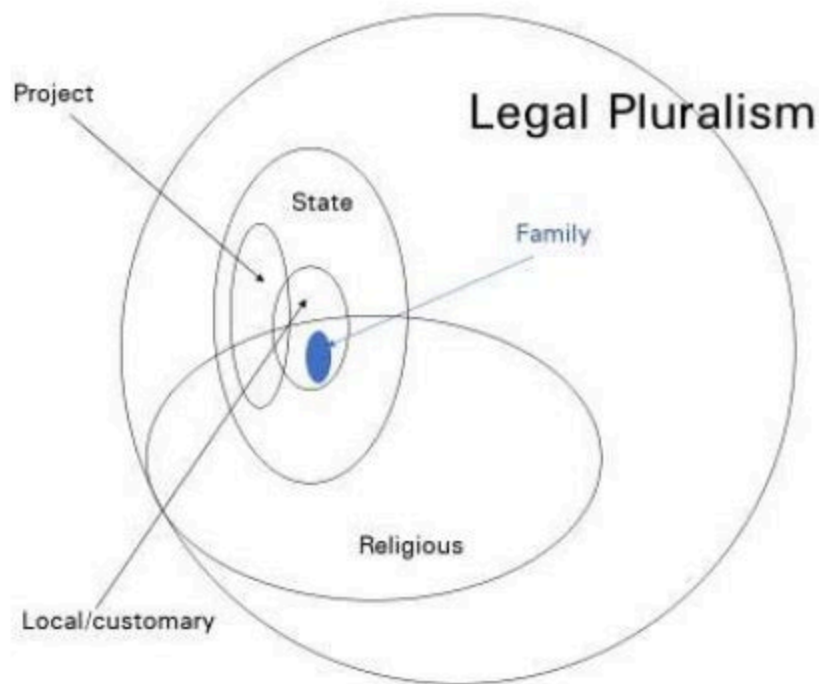


Assets and women's empowerment

- Wide recognition of the importance of women's control over assets for bargaining power (over income, production, and potentially other decisions) and economic autonomy (exit option)
- In Nepal, several studies have found that women's (self-reported) land ownership is associated with greater involvement in household decision-making (Allendorf 2007; Campus 2016; Mishra and Sam 2016; Pandey 2003, 2010)
- But assets *do* many different things, and women have different preferences and household relations
- When we call for strengthening women's rights to assets...**what assets, what rights, and for what purpose?**
- How does this vary for different women?

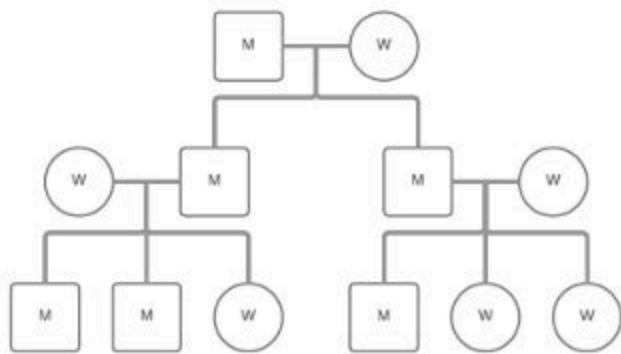
Conceptualizing property rights

- Property understood:
 - Not as a valued good
 - Not as relations between persons and valued goods
 - As relations between persons with respect to valued goods** (Benda-Beckmann, Benda-Beckmann and Wiber 2006; Hann 2000; Sabean 1997)
- Context of legal pluralism: overlapping formal and informal law, with family as a “social field” that forms its own rules (Moore 1973)
- Therefore, changes in social relations lead to changes in property rights
- What are key drivers affecting women’s social relations, and therefore women’s property rights?



Social location and household structure

- Women's location in the household (as wife of household head or as daughter-in-law or sister-in-law) and household structure (joint vs. nuclear) exerts a strong influence on women's social relations and status
 - Social location even more significant than land ownership in women's household decision making power (Allendorf 2007)
 - Matters more than caste/ethnicity in household decision making (Singh 2016)



Shifts in household structure over the life cycle

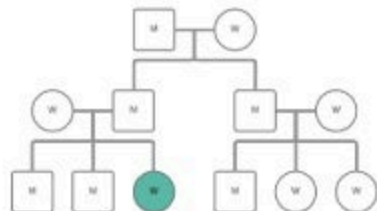
- Generally consistent among castes:
 - Upon marriage, women move into joint household with husband's family
 - Marital couple splits off into nuclear household (with or without formal partition of property)
 - Sons marry and women become mothers-in-law to form joint (extended) household
 - As widows/in old age, women depend on children for support
- Given these shifts in social relations, what rights do women want to and are able to actualize, for what purpose?

Methods

- Review of statutory legal frameworks on inheritance
- Ethnographic research conducted in 2015 under the “Evaluation of the Welfare Impacts of a Livestock Transfer Program in Nepal”
 - Focus group discussions, semi-structured interviews, and life-histories (14) were conducted in four sites for a period of 60 days each
 - 4 research villages (2 in hills, 2 in terai, part of Heifer livestock program)
 - 188 respondents (148 women); 14 life histories; 33 semi-structured interviews
 - Most interviews in Nepali
 - 13 Nepali researchers (7 women, 6 men), graduates of Nepā School’s Graduate Diploma in Social Sciences Program

Joint vs. personal property

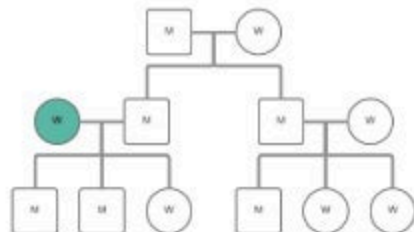
- **Joint (household) property:** land, house, bank deposits, money loaned out, agricultural implements, livestock, food grains, and household goods...everything except personal property!
- **Personal property:** self-earned or inherited
 - *Daijo*: dowry
 - *Pewa*: usually gifts of livestock such as chicken, goat or buffalo before wedding; cash gifts, income and savings from own business.
- Generally women supposed to be fully in control of personal property under statutory and customary law: “Even King Rama cannot take away what is given to daughters as *pewa*.”
- But ability to maintain control over *pewa*, and willingness to use *pewa* on other household members, varies over life cycle



(1) Daughters

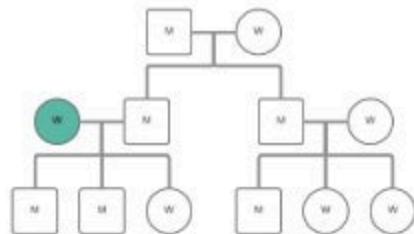
- “Daughters do not have rights to property...If there are sons, daughters do not get [inheritance]. Daughters are loved, that is all. They are like guests for a few days.”
- Justification: sons get inheritance (‘land’) but daughters get dowry (‘things’)
- Women do not want to claim inheritance for fear of straining relations with brothers and sisters-in-law

(2) Daughters-in-law (joint household)



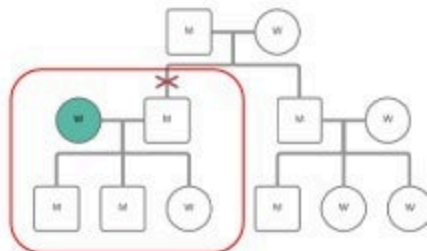
- Period of hardship (*dukha*); little control over their lives; and **personal property treated as household property.**
 - “**I did whatever my mother-in-law ordered me to do**, went wherever she asked me to go. I was never allowed to go where I wanted to go. I was never allowed to do what I wanted. I could only go out freely when I wanted to urinate and defecate.” (Maya Lhayo, 80, Magar widow)
 - “I had boars, a cow and goats...I used the pewa as pocket money because my husband did not give me any money... You could not keep all the income of the pewa only for yourself. **You had to give them [parents-in-law] half.**” (Dilmaya Nepali, Dalit woman, Palpa)
 - “I had brought two goats from my natal home (*maita*). But the mother and son (her mother-in-law and her husband) **conspired and slaughtered one of my goats.**” (Asmita Tamang, 29, Dhading)

(2) Daughters-in-law (joint household)



- How to manage personal property in this context?
 - Women may not be allowed to keep pewa if in-laws want to avoid competition between daughters-in-law and neglect of household livestock
 - Women hide pewa, sometimes keeping it at parents' house
 - Parents find other strategies for giving daughters dowry
 - Cash, secret deposits, or only give cash/land once daughter moves to nuclear family
 - However: "I cannot insist on keeping my pewa while someone from my household is ill"; women negotiate identity as "good" daughter-in-law
- As daughters-in-law in joint household, need pewa to have some personal income. But have least control at this stage.

(3) Wife, household head (nuclear family)

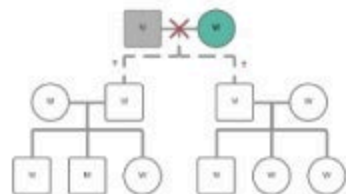


- Women have different preference and abilities to actualize rights to joint property, largely dependent on relations with husband:
 - In cooperative relationships, women tended to value other rights to land, were indifferent to titling
 - In strained relationships, husband perceived title as threat of separation:
 - “Do you think I am so stupid that I would transfer land to a woman, only to have her ‘eat’ the land, sell the land and elope with another man?”
 - In insecure relationship, dependency solidifies relationship?
 - Migrant husband of Bindu Mahato, a 38-year-old Koiri woman from Mahottari, suggested he transfer land to her, and she refused: “Why is there any need for land? ...what is the use of property if your husband does not love you?”

Personal property in nuclear households

- When women manage household affairs, have cooperative relationship with husbands, or are poor, they often erase the distinction between personal and joint property
 - “There is no need to keep pewa when one manages the household affairs (*byavahar garyo bhane*).”
 - “What is the use of ‘keeping’ pewa when your husband or children need money?” (Manmai ju Tamang, 45, Dhading)
 - Women express both regret and pride in having to use pewa for household expenses
- However, some women more likely to use income from selling pewa for personal use than from selling joint property
- If relations sour, “This goat is my pewa, sent to me by my parents. Do not sell it.”

(4) Old age and widowhood



- The right to transfer (or withhold) land or other assets to children functions as an incentive to care for an elderly mother, or the right to sell assets to provide income to live off if children do not provide care
- “If you have land in your name when you are old, the sons would vie with each other to care for you because the person who looks after you will inherit the land...” (Manmaiju Tamang, 45)

Conclusions

- Shifts in social location and household structure affect women's ability to claim property rights, **but also the rights that they value**
 - For many, coerced sharing of personal property gives way to voluntary sharing
 - Asserting personal property rights can come at social cost and weaken claims to joint property
 - Alienation rights are key in old age, and in strained relationships
- Need to distinguish between personal property that is involuntarily appropriated by others and property that women relinquish to meet family needs